

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 11 AM 9:53

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Saul GARCIA-Alcantar,

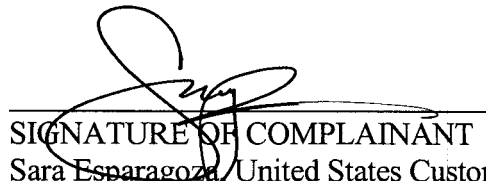
Defendant.

BY: 08 MJ 2103
Magistrate Case No. ECUCOMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 10, 2008**, within the Southern District of California, defendant **Saul GARCIA-Alcantar**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Nancy ALVAREZ-Acha**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF
JULY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT


The complainant states that **Nancy ALVAREZ-Acha** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 10, 2008, at approximately 0130 hours, **Saul GARCIA-Alcantar (Defendant)** made application for admission into the United States from Mexico via the vehicle primary lanes at the San Ysidro, California Port of Entry. Defendant was the driver and sole visible occupant of a black Mitsubishi Eclipse. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant gave two negative customs declarations, presented his United States Passport and stated he was going to San Diego. The CBP Officer noticed a coconut in the center console and referred Defendant to secondary for further inspection.

In secondary, a CBP Officer was inspecting vehicle when he opened the glove compartment and saw what appeared to be clothing inside the dashboard. The officer pulled on the clothes and found a person concealed within the dashboard. A CBP Officer had to remove two screws from the dashboard and glove box door in order to free an adult female from a non-factory dashboard compartment. The female was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as: **Nancy ALVAREZ-Acha (Material Witness)**.

During a videotaped interview, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge there was something concealed in the vehicle and stated he suspected it was either narcotics or an alien. Defendant admitted he purchased the vehicle about one week ago. Defendant admitted he made arrangements to be paid \$1,000.00 USD dollars to drive across the border and deliver the vehicle to a gas station near Dairy Mart Road in San Ysidro, California. A DMV Vehicle Registration card recovered from the vehicle identifies Defendant as the registered owner.

During a separate videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights or entitlements to enter the United States. Material Witness stated her friend in Los Angeles, California made arrangements with unknown persons and that she was to pay \$3,000 USD to be smuggled into the United States. Material Witness stated she intended to travel to Downey, California.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE